

# Notice of Allowability

Application No.

09/619,416

Examiner

Dwayne K. Handy

Applicant(s)

ERDEN ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's arguments filed.
2. ☒ The allowed claim(s) is/are 17,19-26,42-50,54-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

*Figures 1-6 and 9-13, submitted 7/19/00, figures 7-8, submitted 3/12/02, and figure 14, submitted 5/10/04 are accepted by the examiner.*

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Cindy Kaplan on 9/9/05.

2. The application has been amended as follows:

Claims 31-41 have been canceled.

In claim 44, after line 13, the phrase --wherein the material and structure of the pressure chamber is such that the chamber is operable to sustain an operating pressure of at least 30 psig-- has been added.

In claim 47, after line 16, the phrase --wherein the material and structure of the pressure chamber is such that the chamber is operable to sustain an operating pressure of at least 30 psig-- has been added.

***Allowable Subject Matter***

3. Claims 17, 19-26, 42-50 and 54-56 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Applicant has claimed an apparatus for use in parallel reactions comprised of the following combination of elements:

a base having a plurality of reaction wells formed in an upper surface of the base, a cover which encloses the plurality of reaction wells to define a common pressure chamber, an inlet port to pressurize the pressure chamber and wells, a flow restriction device positioned adjacent to the open ends of the wells having a plurality of fluid passageways configured to provide a fluid communication to the wells while also reducing cross talk. These basic features comprise the device.

In each independent claim except for claim 48, the device is also comprised of material that is operable to sustain a pressure that is substantially above atmospheric pressure (cl. 19, 20, 22, 26), at least 30 psig (cl. 17), or at least 40 psig (cl. 42, 44 and 47). The flow restriction device is defined or limited in several ways in the independent claims. This includes defining the flow restriction device as an elastomeric sheet (cl. 22, 44) or having check valves (cl. 20, 48). Claim 50 adds a plurality of vials biased by springs against the flow restriction device. Claim 48 is allowable over Cody due to the check valves.

The Examiner considers the previously cited references of Cody and Bisconte to be the closest prior art. Bisconte teaches a filtration apparatus having a base with a plurality of reaction wells, a cover for connecting to the base to define a pressure chamber, and an inlet port for pressurizing the wells at a pressure above atmospheric pressure. Bisconte does not teach a flow restriction device with a plurality of flow passageways. Bisconte instead teaches a plate with holes for holding pipes or tubes

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that are placed in the wells and additional holes for pressurizing the wells. Cody teaches a reaction block. The reaction block includes a base with vials, a gasket with holes placed onto the block, and a cover that mates with the block to form a pressure chamber. Cody does not teach a device having a flow restriction element having check valves or substantially smaller holes than the wells. Cody also does not teach the use of materials for high pressure operations.

### ***Conclusion***

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne K. Handy whose telephone number is (571)-272-1259. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKH  
September 15, 2005

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700